

## § 21.323

certificate data sheets have been issued; or

(ii) Is identical to a type certificated product specified in paragraph (b)(1)(i) of this section in all respects except as is otherwise acceptable to the civil aviation authority of the importing state.

(2) A Class II product is a major component of a Class I product (e.g., wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces, etc), the failure of which would jeopardize the safety of a Class I product; or any part, material, or appliance, approved and manufactured under the Technical Standard Order (TSO) system in the "C" series.

(3) A Class III product is any part or component which is not a Class I or Class II product and includes standard parts, i.e., those designated as AN, NAS, SAE, etc.

(4) The words "newly overhauled" when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with the applicable Federal Aviation Regulations.

[Amdt. 21-2, 30 FR 11375, July 2, 1965, as amended by Amdt. 21-48, 44 FR 15649, Mar. 15, 1979]

## § 21.323 Eligibility.

(a) Any exporter or his authorized representative may obtain an export airworthiness approval for a Class I or Class II product.

(b) Any manufacturer may obtain an export airworthiness approval for a Class III product if the manufacturer—

(1) Has in his employ a designated representative of the Administrator who has been authorized to issue that approval; and

(2) Holds for that product—

(i) A production certificate;

(ii) An approved production inspection system;

(iii) An FAA Parts Manufacturer Approval (PMA); or

(iv) A Technical Standard Order authorization.

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## § 21.325 Export airworthiness approvals.

(a) *Kinds of approvals.* (1) Export airworthiness approval of Class I products is issued in the form of Export Certificates of Airworthiness, FAA Form 8130-4. Such a certificate does not authorize the operation of aircraft.

(2) Export airworthiness approval of Class II and III products is issued in the form of Airworthiness Approval Tags, FAA Form 8130-3.

(b) *Products which may be approved.* Export airworthiness approvals are issued for—

(1) New aircraft that are assembled and that have been flight-tested, and other Class I products located in the United States, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:

(i) A small airplane type certificated under Part 3 or 4a of the Civil Air Regulations, or Part 23 of the Federal Aviation Regulations, and manufactured under a production certificate;

(ii) A glider type certificated under § 21.23 of this part and manufactured under a production certificate; or

(iii) A normal category rotorcraft type certificated under Part 6 of the Civil Air Regulations or Part 27 of the Federal Aviation Regulations and manufactured under a production certificate.

(2) Used aircraft possessing a valid U.S. airworthiness certificate, or other used Class I products that have been maintained in accordance with the applicable CAR's or FAR's and are located in a foreign country, if the Administrator finds that the location places no undue burden upon the FAA in administering the provisions of this regulation.

(3) Class II and III products that are manufactured and located in the United States.

(c) *Export airworthiness approval exceptions.* If the export airworthiness approval is issued on the basis of a written statement by the importing state as provided for in § 21.327(e)(4), the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product,

are listed on the export airworthiness approval as exceptions.

[Amdt. 21-2, 30 FR 8465, July 2, 1965, as amended by Amdt. 21-14, 32 FR 2999, Feb. 17, 1967; Amdt. 21-43, 40 FR 2577, Jan. 14, 1975; Amdt. 21-48, 44 FR 15649, Mar. 15, 1979]

#### § 21.327 Application.

(a) Except as provided in paragraph (b) of this section, an application for export airworthiness approval for a Class I or Class II product is made on a form and in a manner prescribed by the Administrator and is submitted to the appropriate Flight Standards District Office or to the nearest international field office.

(b) A manufacturer holding a production certificate may apply orally to the appropriate Flight Standards District Office or the nearest international field office for export airworthiness approval of a Class II product approved under his production certificate.

(c) Application for export airworthiness approval of Class III products is made to the designated representative of the Administrator authorized to issue those approvals.

(d) A separate application must be made for—

(1) Each aircraft;

(2) Each engine and propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are exported to the same purchaser and country; and

(3) Each type of Class II product, except that one application may be used for more than one type of Class II product when—

(i) They are separated and identified in the application as to the type and model of the related Class I product; and

(ii) They are to be exported to the same purchaser and country.

(e) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is—

(1) An aircraft manufactured outside the United States and being exported to a country with which the United States has a reciprocal agreement concerning the validation of export certificates;

(2) An unassembled aircraft which has not been flight-tested;

(3) A product that does not meet the special requirement of the importing country; or

(4) A product that does not meet a requirement specified in §§ 21.329, 21.331, or 21.333, as applicable, for the issuance of an export airworthiness approval. The written statement must list the requirements not met.

(f) Each application for export airworthiness approval of a Class I product must include, as applicable:

(1) A Statement of Conformity, FAA Form 8130-9, for each new product that has not been manufactured under a production certificate.

(2) A weight and balance report, with a loading schedule when applicable, for each aircraft in accordance with Part 43 of this chapter. For transport aircraft and commuter category airplanes this report must be based on an actual weighing of the aircraft within the preceding twelve months, but after any major repairs or alterations to the aircraft. Changes in equipment not classed as major changes that are made after the actual weighing may be accounted for on a “computed” basis and the report revised accordingly. Manufacturers of new nontransport category airplanes, normal category rotorcraft, and gliders may submit reports having computed weight and balance data, in place of an actual weighing of the aircraft, if fleet weight control procedures approved by the FAA have been established for such aircraft. In such a case, the following statement must be entered in each report: “The weight and balance data shown in this report are computed on the basis of Federal Aviation Administration approved procedures for establishing fleet weight averages.” The weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight.

(3) A maintenance manual for each new product when such a manual is required by the applicable airworthiness rules.

(4) Evidence of compliance with the applicable airworthiness directives. A